



05-19-03

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/942,431
		Filing Date	August 29, 2001
		First Named Inventor	Nathaniel MILTON
		Group Art Unit	1614
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	8 + 32 References	Attorney Docket Number	342312003601

## ENCLOSURES (check all that apply)

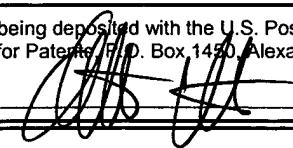
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Form PTO-1449 + copy (4 pages)
<input checked="" type="checkbox"/> Information Disclosure Statement (3 pages)	<input type="checkbox"/> Request for Refund	2. 32 References
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3. Return postcard
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	MORRISON & FOERSTER LLP Kimberly A. Bolin - 44,546	
Signature	25226 PATENT TRADEMARK OFFICE	
Date	May 15, 2003	

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV332779577US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

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(Anthony Soljanich)



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TECH CENTER PATENT  
Docket No. 342512009601

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Dated: 5-15-03

Signature:

(Anthony Soljanich)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Nathaniel MILTON, et al.

Serial No.: 09/942,431

Filing Date: August 29, 2001

For: ECHINOCANDIN PHARMACEUTICAL  
FORMULATIONS CONTAINING  
MICELLE-FORMING SURFACTANTS

Examiner: Not Yet Assigned

Group Art Unit: 1614

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 AND § 1.98**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

Applicants bring to the attention of the Examiner the following co-pending applications:

- Application number 09/763,114 by Borromeo et al., filed February 16, 2001,
- Application number 09/763,559 by Moser et al., filed February 21, 2001,
- Application number 09/868,279 by Rodriguez et al., filed June 15, 2001
- Application number 09/943,901 by Jamison et al., filed August 30, 2001,
- Application number 09/868,347 by Rodriguez et al., filed September 24, 2001.
- Application number 10/087,088 by Burkhardt et al., filed February 27, 2002, and
- Application number 10/378,004 by Burkhardt et al., filed February 27, 2002.

This Supplemental Information Disclosure Statement is submitted:

- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - A fee is required. A check in the amount of \_\_ is enclosed.
  - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \_\_ is enclosed.
  - A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

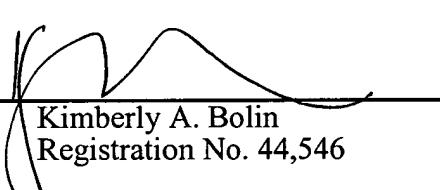
The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing 342312003601. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 15, 2003

Respectfully submitted,

By:

  
Kimberly A. Bolin  
Registration No. 44,546

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<b>Form PTO-1449</b> <b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>	Docket Number 342312003601	Application Number 09/942,431
	Applicant Nathaniel MILTON, et al.	
	Filing Date August 29, 2001	Group Art Unit 1614
	Mailing Date May 15, 2003	

### U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
1.	10/17/2002	2002-0151474	Schweir et al.				
2.	10/31/2002	2002-0160942	Larew et al.				
3.	10/31/2002	2002-0161176	Dalder et al.				
4.	04/13/1993	5,202,309	Schwartz et al.				
5.	11/12/1996	5,573,936	Kreuzman et al.				
6.	04/08/1997	5,618,787	Jamison et al.				
7.	05/13/1997	5,629,289	Rodriguez				
8.	05/13/1997	5,629,290	LaGrandeur et al.				
9.	07/08/1997	5,646,111	Borromeo et al.				
10.	07/29/1997	5,652,213	Jamison et al.				
11.	12/02/1997	5,693,611	Henle et al.				
12.	07/28/1998	5,786,325	Borromeo et al.				
13.	03/28/2000	6,043,341	Uddong et al.				
14.	07/10/2001	6,258,821	Stogniew et al.				
15.	11/27/2001	6,323,176	Jamison et al.				
16.	05/07/2002	6,384,013	Burkhardt et al.				
17.	01/14/2003	6,506,726	Dobbins et al.				

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
18.	12/08/1991	CA 2,043,762	Canada				
19.	03/30/1994	EP 0 589 074	Europe				
20.	11/27/1996	EP 0 744 405	Europe				
21.	02/05/1997	EP 0 757 058	Europe				
22.	07/28/1999	EP 0 931 834	Europe				

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<p>Form PTO-1449 <b>O I P E</b> INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i></p> <p>MAY 15 2003 PATENT &amp; TRADEMARK OFFICE</p>	Docket Number 342312003601	Application Number 09/942,431
	Applicant Nathaniel MILTON, et al.	
	Filing Date August 29, 2001	Group Art Unit 1614
	Mailing Date May 15, 2003	

23.	10/28/1991	JP 03 240727	Japan				Abstract Only	
24.	10/19/1993	JP 05 271097	Japan				Abstract Only	
25.	06/21/1994	JP 06 172205	Japan				Abstract Only	
26.	11/10/1994	WO 94/25048	WIPO					
27.	08/28/1997	WO 97/30695	WIPO					

#### OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	28.	Avis, K. E. (1990). "Parenteral Preparations" Chapter 84 <i>In Remington Pharmaceutical Sciences</i> . 18th edition, Mack Publishing Company pg. 1545-1569.
	29.	Longer, M. A. and Robinson, J. R. (1990). "Transdermal Systems" in Chapter 91 <i>In Remington Pharmaceutical Sciences</i> . 18th edition, Mack Publishing Company. pg.1690-1693.
	30.	Nema, S. et al. (1997). "Excipients and Their Use in Injectable Products," <i>PDA Journal of Pharm. Science and Tech.</i> 51(4):166-171.
	31.	Sclarra, J. J. and Cutie, A. J. (1990). "Aerosols" Chapter 92 <i>In Remington Pharmaceutical Sciences</i> . 18th edition, Mack Publishing Company. pg. 1694-1712.
	32.	Turco, S. J. (1990). "Intravenous Admixtures," Chapter 85 <i>In Remington Pharmaceutical Sciences</i> . 18th edition, Mack Publishing Company. pg. 1570-1580.

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	